

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ROSA E. PICA ORTIZ,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,

Defendant.

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CASE NO. 1:23-cv-00879

OPINION & ORDER
[Resolving Doc. 1]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff Rosa Pica Ortiz seeks judicial review of the Social Security Administration Commissioner's final decision partially denying her application for Disability Insurance Benefits ("DIB").¹

On March 13, 2024, Magistrate Judge Armstrong issued a Report and Recommendation ("R&R") recommending that the Court vacate and remand the Commissioner's final decision in order for an ALJ to adequately consider and explain the persuasiveness of Dr. Monica Seo's medical expert opinion.² Objections to the R&R were due by March 27, 2024. Neither party objected.

The Federal Magistrates Act requires district courts to conduct a *de novo* review of only objected-to portions of an R&R.³ Absent objection, district courts may adopt an R&R without review.⁴ Neither party objected to the R&R, and this Court may adopt Magistrate

¹ Doc. 1. Plaintiff and Defendant filed merits briefs. Docs. 8, 9. Plaintiff filed a reply. Doc. 10.

² Doc. 11.

³ 28 U.S.C. § 636(b)(1).

⁴ *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). Failure to timely object may waive a party's right to appeal the

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Judge Armstrong's R&R without further review.

Accordingly, the Court **ADOPTS** Magistrate Judge Armstrong's R&R, and **VACATES** and **REMANDS** the Commissioner's final decision for further proceedings consistent with this order.

IT IS SO ORDERED.

Dated: April 17, 2024

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE